

REMARKS

Claims 1-50 are pending in the Application. Claims 6-21, 27-42 and 48-50 are rejected under 35 U.S.C. §112. Claims 1, 22 and 43 are rejected under 35 U.S.C. §102. Claims 2-21, 23-42 and 44-50 are rejected under 35 U.S.C. §103(a). Applicant respectfully traverses these rejections for at least the reasons stated below and respectfully requests the Examiner to reconsider and withdraw these rejections.

Applicants thank the Examiner for discussing the Office Action and in particular the Examiner's rejection to claim 1 on February 6, 2004. The Examiner stated that the limitations of "scanning a code for a first method invocation" and "identifying said first method invocation", as recited in claims 1, 22 and 43, are inherent in Khoyi et al. (U.S. Patent No. 5,206,951). Applicants respectfully traverse the assertions that these limitations are inherent in Khoyi et al. Applicants note that when relying upon a theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). That is, in order for the Examiner to establish inherency, the Examiner must provide extrinsic evidence that must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). Inherency, however, may not be established by probabilities or possibilities. *Id.* The mere fact that a certain thing may result from a given set of circumstances is not sufficient. *Id.* Therefore, the Examiner must support the inherency argument with objective evidence meeting the above requirements. As the Examiner has not provided any objective evidence supporting his inherency arguments, the Examiner has not presented a *prima facie* case of anticipation for rejecting claims 1, 22 and 43. M.P.E.P. §2131.

I. REJECTIONS UNDER 35 U.S.C. §112:

The Examiner has rejected claims 6-21, 27-42 and 48-50 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter with Applicant regards as the invention. Paper No. 3, page 2. In particular, the Examiner asserts that the phrase "its associated value" in claims 6, 27 and 48 lacks antecedent basis. Paper No. 3, page 2. Applicant respectfully traverses the Examiner's assertion that the phrase lacks antecedent basis. The phrase "its associated value" refers to the prior term "key" which does not lack antecedent basis.

Further, a rejection under 35 U.S.C. §112, second paragraph, is not appropriate if the scope of the claimed subject matter can be determined by one having ordinary skill in the art. M.P.E.P. §706.03(d). Applicant respectfully asserts that the phrase "its associated value" can be determined by one having ordinary skill in the art. Applicant kindly directs the Examiner's attention to page 12, line 19 – page 13, line 15 of the Specification which describes externalized strings as being an example of a value associated with a key. It is noted that this interpretation is illustrative and that the phrase "its associated value" is not to be limited to this interpretation. Therefore, the scope of the claimed subject matter can be determined by one having ordinary skill in the art. Consequently, Applicant respectfully asserts that claims 6-21, 27-42 and 48-50 are allowable under 35 U.S.C. §112, second paragraph, and respectfully request the Examiner to withdraw the rejections of claims 6-21, 27-42 and 48-50 under 35 U.S.C. §112, second paragraph.

II. REJECTIONS UNDER 35 U.S.C. §102(b):

The Examiner has rejected claims 1, 22 and 43 under 35 U.S.C. §102(b) as being anticipated by Khoyi et al. (U.S. Patent No. 5,206,951) (hereinafter "Khoyi"). Applicant respectfully traverses these rejections for at least the reasons stated below and respectfully requests the Examiner to reconsider and withdraw these rejections.

For a claim to be anticipated under 35 U.S.C. §102, each and every claim limitation must be found within the cited prior art reference and arranged as required by the claim. M.P.E.P. 2131.

Applicant respectfully asserts that Khoyi does not disclose "scanning a code for a first method invocation used to open a first resource file" as recited in claim 1 and similarly in claims 22 and 43. The Examiner cites column 80, lines 9-19 of Khoyi as disclosing the above-cited claim limitation. Paper No. 3, page 3. Applicant respectfully traverses and asserts that Khoyi instead discloses a function that finds a resource with a given name. There is no language in the cited passage that discloses scanning a code. Neither is there language in the cited passage that discloses scanning a code for a method invocation. Neither is there language in the cited passage that discloses scanning a code for a method invocation used to open a resource file. Thus, Khoyi does not disclose all of the limitations of claims 1, 22 and 43, and thus Khoyi does not anticipate claims 1, 22 and 43. M.P.E.P. §2131.

Applicant further asserts that Khoyi does not disclose "identifying said first method invocation" as recited in claim 1 and similarly in claims 22 and 43. The Examiner cites column 80, lines 9-19 of Khoyi as disclosing the above-cited claim limitation. Paper No. 3, page 3. Applicant respectfully traverses. As stated above, Khoyi instead discloses a function that finds a resource with a given name. There is no language in the cited passage that discloses a method invocation. Neither is there language in the cited passage that discloses identifying a method invocation. Thus, Khoyi does not disclose all of the limitations of claims 1, 22 and 43, and thus Khoyi does not anticipate claims 1, 22 and 43. M.P.E.P. §2131.

Applicant further asserts that Khoyi does not disclose "opening said first resource file using said first method invocation to detect resource exception errors" as recited in claim 1 and similarly in claims 22 and 43. The Examiner cites column 80, lines 9-19 of Khoyi as disclosing the above-cited claim limitation. Paper No. 3, page 3. Applicant respectfully traverses. As stated above, Khoyi instead discloses a function that finds a resource with a given name. There is no language in the cited

passage that discloses opening a resource file. Neither is there language in the cited passage that discloses open a resource file using a method invocation. Neither is there language in the cited passage that discloses open a resource file using a method invocation to detect resource exception errors. Thus, Khoyi does not disclose all of the limitations of claims 1, 22 and 43, and thus Khoyi does not anticipate claims 1, 22 and 43. M.P.E.P. §2131.

As a result of the foregoing, Applicant respectfully asserts that not each and every claim limitation was found within the cited prior art reference and thus claims 1, 22 and 43 are not anticipated by Khoyi.

III. REJECTIONS UNDER 35 U.S.C. §103(a):

The Examiner has rejected claims 2-7, 23-28 and 44-49 under 35 U.S.C. §103(a) as being unpatentable over Khoyi in view of "Perl Cookbook" by Tom Christiansen (hereinafter "Christiansen"). The Examiner has further rejected claims 8-10, 15-17, 29-31 and 50 under 35 U.S.C. 103(a) as being unpatentable over Khoyi in view of Christiansen and in further view of Pennell (U.S. Patent No. 6,598,181). The Examiner has further rejected claims 11-14, 18-21, 32-35 and 39-42 under 35 U.S.C. §103(a) as being unpatentable over Khoyi in view of Christiansen and in further view of Pennell and Stark (U.S. Patent No. 5,935,210). Applicant respectfully traverses these rejections for at least the reasons provided below and respectfully requests the Examiner to reconsider and withdraw these rejections.

A. **Khoyi, Christiansen, Pennell and Stark, taken singly or in combination, do not teach or suggest the following claim limitations.**

Applicant respectfully asserts that Khoyi, Christiansen, Pennell and Stark, taken singly or in combination, do not teach or suggest "scanning said code for a first method signature" as recited in claim 2 and similarly in claims 23 and 44. The Examiner cites column 80, line 9 of Khoyi as teaching the above-cited claim limitation. Paper No. 3, pages 3-4. Applicant respectfully traverses and asserts that Khoyi instead teaches a function that finds a resource with a given name. There is no

language in the cited passage teaching a method signature. Neither is there any language in the cited passage teaching scanning code for a method signature. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicant further asserts that Khoyi, Christiansen, Pennell and Stark, taken singly or in combination, do not teach or suggest "scanning said code for a first method pair of string delimiters adjacent to said first method signature" as recited in claim 2 and similarly in claims 23 and 44. The Examiner cites column 80, lines 10-11 of Khoyi as teaching the above-cited claim limitation. Paper No. 3, page 4. Applicant respectfully traverses and asserts that Khoyi instead teaches a function that finds a resource with a given name. There is no language in the cited passage that teaches string delimiters. Neither is there any language in the cited passage that teaches scanning code for string delimiters. Neither is there any language in the cited passage that teaches scanning code for string delimiters adjacent to a method signature. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicant further asserts that Khoyi, Christiansen, Pennell and Stark, taken singly or in combination, do not teach or suggest "wherein a string within said first pair of string delimiters adjacent to said first method signature is a key of said first resource file" as recited in claim 2 and similarly in claims 23 and 44. The Examiner cites page 1, section 7.1.2 of Christiansen as teaching the above-cited claim limitation. Paper No. 3, page 4. Applicant respectfully traverses and asserts that Christiansen instead teaches the open function in the Perl programming language that opens a file. This is not the same as scanning code for string delimiters where a string in the string delimiters is adjacent to a method signature. Further, this is not the same as scanning code for string delimiters where a string in the string delimiters is a key of a resource file. Therefore, the Examiner has not presented a *prima facie* case of

obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicant further asserts that Khoyi, Christiansen, Pennell and Stark, taken singly or in combination, do not teach or suggest "wherein said first method signature points to said first resource file" as recited in claim 3 and similarly in claims 24 and 45. The Examiner cites column 80, lines 10-19 of Khoyi as teaching the above-cited claim limitation. Paper No. 3, page 4. Applicant respectfully traverses and asserts that Khoyi instead teaches a function that finds a resource with a given name. As stated above, there is no language in the cited passage that teaches a method signature. Neither is there any language in the cited passage that teaches a method signature that points to a resource file. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicant further asserts that Khoyi, Christiansen, Pennell and Stark, taken singly or in combination, do not teach or suggest "wherein said first method signature is a first parameter of said first method invocation" as recited in claim 4 and similarly in claims 25 and 46. The Examiner takes official notice that a function name is a necessity when a function is invoked. Paper No. 3, page 4. While a function name may be necessary to invoke a function, Applicant traverses the implied assertion that using a method signature as a parameter of a method invocation is well known in the art and is a necessity for a method invocation. Applicant respectfully requests the Examiner to provide a reference that supports the assertion that using a method signature as a parameter of a method invocation is well known in the art and is a necessity for a method invocation pursuant to M.P.E.P. §2144.03. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicant further asserts that Khoyi, Christiansen, Pennell and Stark, taken singly or in combination, do not teach or suggest "wherein said key of said first

resource file is a second parameter of said first method invocation" as recited in claim 5 and similarly in claims 26 and 47. The Examiner cites page 1, section 7.1.2 of Christiansen as teaching the above-cited claim limitation. Paper No. 3, page 4. Applicant respectfully traverses and asserts that Christiansen instead teaches the open function in the Perl programming language that opens a file. As stated above, this is not the same as scanning code for string delimiters where a string in the string delimiters is a key of a resource file. Further, this is not the same as a key of a resource file being a second parameter of a method invocation. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicant further asserts that Khoyi, Christiansen, Pennell and Stark, taken singly or in combination, do not teach or suggest "determining whether said key and its associated value of said first resource file are defined in said first resource file" as recited in claim 6 and similarly in claims 27 and 48. The Examiner cites column 80, lines 10-13 of Khoyi as teaching the above-cited claim limitation. Paper No. 3, page 4. Applicant respectfully traverses and asserts that Khoyi instead teaches a function that finds a resource with a given name. There is no language in the cited passage that teaches a key as well as its associated value. Further there is no language in the cited passage that teaches determining whether a key and its associated value of a resource file are defined in the resource file. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicant further asserts that Khoyi, Christiansen, Pennell and Stark, taken singly or in combination, do not teach or suggest "wherein if said key or its associated value of said first resource file is not defined in said first resource file, then a resource exception error is detected" as recited in claim 7 and similarly in claims 28 and 49. The Examiner cites column 80, lines 10-13 of Khoyi as teaching the above-cited



claim limitation. Paper No. 3, page 4. Applicant respectfully traverses and asserts that Khoyi instead teaches a function that finds a resource with a given name. As stated above, there is no language in the cited passage that teaches a key as well as its associated value. Further there is no language in the cited passage that teaches detecting a resource exception error. Further, there is no language in the cited passage that teaches detecting a resource exception error if a key or its associated value is not defined in a resource file. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicant further asserts that Khoyi, Christiansen, Pennell and Stark, taken singly or in combination, do not teach or suggest "determining whether to scan more code for a second method invocation used to open a second resource file" as recited in claim 8 and similarly in claims 15, 29 and 50. The Examiner cites column 5, lines 57-67 of Pennell as teaching the above-cited claim limitation. Paper No. 3, page 5. Applicant respectfully traverses and asserts that Pennell instead teaches detecting whether the current line of code is within the pre-selected range of addresses to be analyzed. The cited passage further teaches detecting whether a current line of code being analyzed is a call instruction. This language is not the same as determining whether to scan more code. Neither does the language in the cited passage teach determining whether to scan more code for a method invocation. Neither does the language in the cited passage teach determining whether to scan more code for a method invocation used to open a second resource file. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicant further asserts that Khoyi, Christiansen, Pennell and Stark, taken singly or in combination, do not teach or suggest "scanning said code for said method invocation used to open said second resource file" as recited in claim 9 and similarly in claims 16 and 30. The Examiner cites column 5, lines 47-67 of Pennell as teaching



the above-cited claim limitation. Paper No. 3, page 5. Applicant respectfully traverses and asserts that Pennell instead teaches detecting whether the current line of code is within the pre-selected range of addresses to be analyzed. The cited passage further teaches detecting whether a current line of code being analyzed is a call instruction. This language is not the same as scanning code for a method invocation. Neither does the language in the cited passage teach scanning code for a method invocation used to open a resource file. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicant further asserts that Khoyi, Christiansen, Pennell and Stark, taken singly or in combination, do not teach or suggest "identifying said second method invocation; and opening said second resource file using said second method invocation to detect resource exception errors" as recited in claim 10 and similarly in claims 17 and 31. The Examiner cites column 80, lines 9-19 of Khoyi as teaching the above-cited claim limitation. Paper No. 3, page 6. Applicant respectfully traverses and asserts that Khoyi instead teaches a function that finds a resource with a given name. There is no language in the cited passage that teaches identifying a method invocation. Neither is there language in the cited passage that teaches detecting resource exception errors. Neither is there language in the cited passage that teaches opening a resource file using a method invocation to detect resource exception errors. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicant further asserts that Khoyi, Christiansen, Pennell and Stark, taken singly or in combination, do not teach or suggest "wherein said report comprises a listing of all resource exception errors detected" as recited in claim 12 and similarly in claims 14, 19 and 21. The Examiner cites column 9, lines 21-32 of Stark as teaching the above-cited claim limitation. Paper No. 3, page 7. Applicant respectfully

traverses and asserts that Stark instead teaches a module, map manager module 108, that compares the contents of the maps of two different sites. Stark further teaches that map manager module 108 may deliver information characterizing the differences in the maps analyzed. This language is not the same as generating a report that includes a listing of resource exception errors detected. Instead, Stark teaches determining if the resources identified by the resource maps differ. This is not the same as detecting a resource exception error which may occur if either a key-value pair is not defined in a resource file or if the key in the program code or in the resource file source code is mistyped. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

As a result of the foregoing, Applicant respectfully asserts that there are numerous claim limitations not taught or suggested in the cited prior art, and thus the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 2-21, 23-42 and 44-50 as being unpatentable over Khoyi in view of Christiansen in further view of Pennell and in further view of Stark.

**B. The Examiner has not provided any objective evidence for combining Khoyi with Christiansen, Pennell and Stark.**

A *prima facie* case of obviousness requires the Examiner to establish, *inter alia*, that the prior art references teach or suggest, either alone or in combination, all of the limitations of the claimed invention, and the Examiner must provide a motivation or suggestion to combine or modify the prior art reference to make the claimed inventions. M.P.E.P. §2142. The showings must be clear and particular. *In re Lee*, 277 F.3d 1338, 1343, 61 U.S.P.Q.2d 1430, 1433-34 (Fed. Cir. 2002); *In re Kotzab*, 217 F.3d 1365, 1370, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000); *In re Dembiczak*, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). Broad conclusory statements regarding the teaching of multiple references, standing alone, are not evidence. *Id.*

In order to reject under 35 U.S.C. §103, therefore, the Examiner must provide a proper motivation for combining or modifying the references. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1457-1458 (Fed. Cir. 1998); M.P.E.P. §2142. The Examiner's motivation for modifying Khoyi with Christiansen to scan code for a pair of string delimiters adjacent to a method signature where a string within the string delimiters is a key of a resource file, as recited in claim 2 and similarly in claims 23 and 44, is "since a file ID is needed to locate the specific file to open." Paper No. 3, page 4. The Examiner's motivation for modifying Khoyi with Christiansen and Pennell to determine whether to scan more code for a second method invocation used to open a second resource file, as recited in claim 8 and similarly in claims 15, 29 and 50, "since this allows function invocations that exist in code and have not yet been run to be identified and run." Paper No. 3, page 5. The Examiner's motivation for modifying Khoyi with Christiansen, Pennell and Stark, to generate a report, as recited in claim 11 and similarly in claims 18, 32 and 39, is "since this allows users to view information regarding the resource function call." Paper No. 3, page 7. These motivations are insufficient to support a *prima facie* case of obviousness since they are merely the Examiner's own subjective opinion.

Khoyi teaches an object based data processing system including an extensible set of object types and a corresponding set of "object managers" where each object manager is a program for operating with the data stored in a corresponding type of object. Abstract.

Christiansen, on the other hand, teaches opening a file using the programming language of Perl.

Pennell, on the other hand, teaches a method of debugging multiple function calls in a block of program code that includes examining a line of code within the block of program code; detecting if the line of code is a call instruction; and if the line of code is a call instruction, setting a first variable equal to a destination of the call instruction; setting a second variable equal to a name derived from the first variable; and adding the first and second variable to a function list. Abstract.

Stark, on the other hand, teaches a computer-implemented method of gathering information about a site of resources in a computer system which includes the steps of retrieving a first one of the resources from the site; extracting from the first resource information about embedded hyperlinks to other resources in the site; extracting from the first resource meta-data describing aspects of the first resource and the other resources; and storing in a self-contained persistent data store the information about the hyperlinks and the meta-data. Abstract.

The Examiner must submit objective evidence and not rely on his own subjective opinion in support of combining a reference (Khoyi) that teaches an object based data processing system including an extensible set of object types and a corresponding set of "object managers" where each object manager is a program for operating with the data stored in a corresponding type of object with a reference (Christiansen) that teaches opening a file using the programming language of Perl. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of combining a reference (Khoyi) that teaches an object based data processing system including an extensible set of object types and a corresponding set of "object managers" where each object manager is a program for operating with the data stored in a corresponding type of object with a reference (Christiansen) that teaches opening a file using the programming language of Perl with a reference (Pennell) that teaches a method of debugging multiple function calls. *Id.* Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of combining a reference (Khoyi) that teaches an object based data processing system including an extensible set of object types and a corresponding set of "object managers" where each object manager is a program for operating with the data stored in a corresponding type of object with a reference (Christiansen) that teaches opening a file using the programming language of Perl with a reference (Pennell) that teaches a method of debugging multiple function calls along with a reference (Stark) that teaches a computer-implemented method of gathering information about a site of resources in a computer system. *Id.*

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of modifying Khoyi to scan code for a pair of string delimiters adjacent to a method signature where a string within the string delimiters is a key of a resource file. *Id.* There is no suggestion in Khoyi to scan code. Neither is there any suggestion in Khoyi to scan code for a pair of string delimiters. Consequently, the Examiner's motivation is insufficient to support a *prima facie* case of obviousness since it is merely the Examiner's subjective opinion. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002).

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of modifying Khoyi to determine whether to scan more code for a second method invocation used to open a second resource file. *Id.* As stated above, there is no suggestion in Khoyi to scan code. Neither is there any suggestion in Khoyi to scan more code for a second method invocation. Consequently, the Examiner's motivation is insufficient to support a *prima facie* case of obviousness since it is merely the Examiner's subjective opinion. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002).

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of modifying Khoyi to generate a report. *Id.* There is no suggestion in Khoyi to generate a report. Consequently, the Examiner's motivation is insufficient to support a *prima facie* case of obviousness since it is merely the Examiner's subjective opinion. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002).

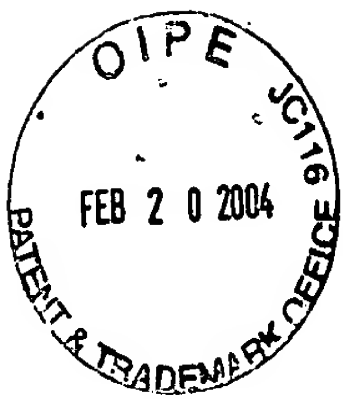
Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of modifying Khoyi to locate a specific file to open (Examiner's motivation). *Id.* There is no suggestion in Khoyi to locate a specific file to open. Instead, the Examiner's motivation appears to have been gleaned from Applicants' disclosure. Any judgment on obviousness must not include knowledge gleaned only from applicant's disclosure. *In re McLaughlin*, 170 U.S.P.Q. 209, 212 (C.C.P.A. 1971). Consequently, the Examiner's motivation is insufficient to support a

*prima facie* case of obviousness since it is merely the Examiner's subjective opinion. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002).

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of modifying Khoyi to allow function invocations (Examiner's motivation). *Id.* There is no suggestion in Khoyi to allow function invocations. Instead, the Examiner's motivation appears to have been gleaned from Applicants' disclosure. Any judgment on obviousness must not include knowledge gleaned only from applicant's disclosure. *In re McLaughlin*, 170 U.S.P.Q. 209, 212 (C.C.P.A. 1971). Consequently, the Examiner's motivation is insufficient to support a *prima facie* case of obviousness since it is merely the Examiner's subjective opinion. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002).

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of modifying Khoyi to allow users to view information regarding a resource function call (Examiner's motivation). *Id.* There is no suggestion in Khoyi to view information regarding a resource function call. Instead, the Examiner's motivation appears to have been gleaned from Applicants' disclosure. Any judgment on obviousness must not include knowledge gleaned only from applicant's disclosure. *In re McLaughlin*, 170 U.S.P.Q. 209, 212 (C.C.P.A. 1971). Consequently, the Examiner's motivation is insufficient to support a *prima facie* case of obviousness since it is merely the Examiner's subjective opinion. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002).

Therefore, the Examiner has not presented a *prima facie* showing of obviousness for rejecting claims 1-50. M.P.E.P. §2143.



AUS9-2000-0499-US1

PATENT

IV. CONCLUSION

As a result of the foregoing, it is asserted by Applicant that claims 1-50 in the Application are in condition for allowance, and Applicant respectfully requests an allowance of such claims. Applicant respectfully requests that the Examiner call Applicant's attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.

Attorneys for Applicant

By: 

Robert A. Voigt, Jr.  
Reg. No. 47,159  
Kelly K. Kordzik  
Reg. No. 36,571

P.O. Box 50784  
Dallas, Texas 75201  
(512)370-2832

AUSTIN\_11240509\1  
7047-P373US